IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 14946 of 2005

Between:

1 M.A.R.Patrudu, S/o.Late M.V.N.Patrudu,
R/o.18-34-3/37, Anandamani Apartments,
Maharanipeta, Visakhapatnam-2.
2 M.Subdhar, W/o.M.A.R.Patrudu,
R/o.18-34-3/37, Anandamani Apartments, Maharanipeta,
Visakhapatnam-2.
3 S.Karuna, W/o..S.V.N.Patrudu,
R/o.18-34-3/37, Anandamani Apartments,
Maharanipeta, Visakhapatnam-2.
4 P.Nagamani, W/o.P.Ashok Kumar,
R/o.18-34-3/37, Anandamani Apartments,
Maharanipeta, Visakhapatnam-2.
5 P.Aparana, W/o.P.Satashi,
R/o.18-34-3/37, Anandamani Apartments,
Maharanipeta, Visakhapatnam-2.
6 M.Sridevi W/o.Venugopal,
R/o.18-34-3/37, Anandamani Apartments,
Maharanipeta, Visakhapatnam-2.
7 M.Vasundhra, D/o.M.A.R.Patrudu,
R/o.18-34-3/37, Anandamani Apartments,
Maharanipeta, Visakhapatnam-2.
8 M.V.V.N.Patrudu, S/o.M.A.R.Patrudu,
R/o.18-34-3/37, Anandamani Apartments,
Maharanipeta, Visakhapatnam.
9 M.Padamvathi, W/o.Late Dr.M.V.N.Patrudu,
R/o.18-34-3/37, Anandamani Apartments,
Maharanipeta, Visakhapatnam-2.
10 J.Arun, W/o.J.Satyanarayan,
R/o.18-34-3/37, Anandamani Apartments,
Maharanipeta, Visakhapatnam-2.
11 P.Usha Sundari, W/o.P.V.N.Patrudu,

R/o.18-34-3/37, Anandamani Apartments,
Maharanipeta, Visakhapatnam-2.

12 M.Geeth Rani, W/o.Late M.V.N.Patrudu,
R/o.18-34-3/37, Anandamani Apartments,
Maharanipeta, Visakhapatnam-2.

13 M.S.N.Patrudu S/o.Late Dr.M.V.N.Patrudu,
R/o.18-34-3/37, Anandamani Apartments,
Maharanipeta, Visakhapatnam-2.

14 M.S.R.M.Patrudu, S/o.Late M.V.N.Patrudu,
R/o.18-34-3/37, Anandamani Apartments,
Maharanipeta, Visakhapatnam-2.

..... PETITIONERS

AND

1 The Mandal Revenue officer, Anandapauram Mandal, Visakhapatnam District.
2 The Sub Registrar Bhimunipatnam, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of Mandamus by declaring the inaction of 1st respondent in not providing pattadar pass books in terms of orders of the settlement officer, Visakhapatnam dt.6-9-1982 as confirmed up to the Hon'ble Supreme Court and further 2nd respondent in refusing to register the sale deed presented by the petitioners in favour of third party as illegal, arbitrary and violative of principles of natural justice consequently direct the 2nd respondent to register the documents of sale deed when presented for registration in respect of sy.no.13/P in Thangububilli village, Anandapuram Mandal, Visakhapatnam district and pass such other order or orders in interest of justice.

Counsel for the Petitioners: MR.K.V.SIMHADRI

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

O R D E R:

The petitioners seek a Mandamus declaring the action of the first respondent in not providing pattadar pass books in terms of the order, dated 06-09-1982, passed by the settlement officer, Visakhapatnam, as confirmed by the Apex Court, and the second respondent in refusing to register the sale deeds presented by them in favour of the third parties as illegal and arbitrary, and consequently to direct the second respondent to register the said documents.

When the matter has come up, for admission, today, the learned Government Pleader contends that the matter with regard to grant of pattas in favour of the petitioners is pending before the Joint Collector, Visakhapatnam, and that unless the pattas are granted in

their favour, the question of receiving the sale deeds presented by them does not arise.

In answer to the said contentions, the learned counsel for the petitioners submits that in view of the *interim* order, dated 04-07-1985, passed by this Court in W.P.No.6827 of 1985 directing to grant ryotwari pattas in favour of the petitioners, which has attained its finality by the order, dated 20-01-2003, passed by the Apex Court in Civil Appeal No.499 of 2003, the respondents are left with no other option except to grant the pattas in favour of the petitioners.

Having heard the learned counsel on either side and in view of the facts and circumstances of the case, especially in view of the fact that the matter with regard to grant of pattas in favour of the petitioners is pending before the Joint Collector, Visakhapatnam, I deem it appropriate to direct the Joint Collector, Visakhapatnam, to grant pattas in favour of the petitioners.

The writ petition is accordingly disposed of directing the Joint Collector, Visakhapatnam, to grant pattas in favour of the petitioners, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order. Thereafter, if the petitioners present the said documents, the respondents shall process the same following due process of law. In case there is any objection for registration of the said documents, the same shall be communicated to the petitioners within a period of four weeks thereafter. No costs.

(ELIPE DHARMA RAO, J)

Date:18-07-2005

ghn

To

1 The Mandal Revenue officer, Anandapauram Mandal, Visakhapatnam District.
2 The Sub Registrar Bhimunipatnam, Visakhapatnam District.

3 Two C.Cs to G.P. for Revenue, High Court buildings, Hyderabad.(O.U.T.)

4 Two C.D. copies.